

would rather have the chance, if someone is going to attack me on an issue, that that person be courageous enough to do it when I am on the floor of the U.S. Senate. So I have come back to the floor to speak.

What I want to say is that the vast majority of Americans believe this entire subject should be left to the privacy of families, to the religious convictions of our people, and that U.S. Senators do not belong in the hospital room, they do not belong in the consulting room, and if the woman is told by a doctor, "You might die unless I use a certain procedure, you might die, and the children you have now will not have a mother," and if that doctor believes this procedure is the only one to save the life of that woman or to spare her a life of infertility or paralysis, I believe families should have the right to make that choice.

If the Senator from Pennsylvania was faced with that choice, if his daughter was in that situation, I really do believe in his heart of hearts if this was not a hot political issue, that he would want the ability, with his God, with his family, to make this decision.

Now, my colleague talks about doctors who say this procedure is not necessary. Some believe it is not. They do not have to use this procedure.

The American College of Obstetricians and Gynecologists, who do this work every day, opposes this legislation that does not have an exception for the life and health of the mother. The American Medical Women's Association opposes this legislation that does not have a true life exception or a health exception. The California Medical Association strongly opposes this extreme legislation.

Now, I just want to put on the record when we are talking about emergency procedures and abortions that take place in late term, this is not about a woman's right to choose. This is about an emergency health situation. My colleagues come here and quote columnists, and on and on. I wish they would look in the eyes of the women in this country who have had this procedure who know because of this procedure they were able to bear children.

I say to my colleagues, I know this is a hard vote, but when the American people understand that the legislation before the Senate has no life exemption, it only says if a woman has a pre-existing condition her doctor may use that procedure, and then he will have to defend himself in a courtroom if he does, but it does not have the Hyde language—life-of-the-mother, straight-forward—that we have seen in other pieces of legislation. That Hyde exception is not in this bill. That is why some of my colleagues are going to stand against this bill.

Now, the Boxer amendment we put forward said very simply that this procedure can only be used if it can spare a woman's life or if she could suffer long-term, serious, adverse health impacts. Now, does that not sound reasonable? Does that not sound fair?

I say to my colleagues, if they look in their heart and it happened to their wife, and the doctor said, "She will die if I do not use this procedure," not because she has diabetes or a preexisting condition but because the problem with the fetus is so great, if she does not have this procedure she could bleed to death, I say to my colleagues, if they look in their heart, and the doctor looked at them and said, "You could lose your wife unless I use this procedure," they look in their heart and they are honest; or, if the doctor said, "You will never have another baby unless I use this procedure," or she will be paralyzed from the waist down and in a wheelchair for the rest of her life.

I honestly believe—I do believe—my colleagues, that if you take away the 30-second commercials that Americans are going to see in this campaign, you would say to the doctors, "Save my life." And that is all we are asking. All we are asking is only use this procedure if the woman's life is at stake or she would suffer serious adverse health risks if the procedure was not used. I think that is a moderate position. Roe versus Wade does not allow abortions at the end term. The State has a right to regulate it. I hope Senators will not misstate other Senators' positions. It is too important of a debate.

Thank you very much, Mr. President. I yield my time.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

#### WATER ISSUES

Mr. DORGAN. Mr. President, I wish to address a different subject. It has to do with water issues, a subject that will cause some eyes to glaze over perhaps in some quarters, but an important subject to my State.

You know that I come from a small State. I come from the State of North Dakota, which is large in expanse, 10 times the size of Massachusetts, but with 640,000 people. So it is a sparsely populated State.

A lot of people do not know that we have a flood in North Dakota that came and stayed—a permanent flood the size of the State of Rhode Island. It was not an accidental flood. It was a flood that came and stayed in my State because 50 years ago there were some who felt that we should harness the Missouri and Mississippi Rivers and, as part of the flood control provisions called the Pick-Sloan Act, to harness the Missouri River so that it didn't flood the cities downstream. So that they could have reliable navigation downstream, they decided, "Let us build some dams on the Missouri River." One of those dams was built in North Dakota. President Eisenhower came out to dedicate the dam. It is called the Garrison Dam.

What the Federal Government said then to the State of North Dakota is, in order for us to control flooding downstream and to protect the larger

cities downstream, would you please play host to a large flood that comes and stays forever? The people of North Dakota said, why would we want to play host to a large flood that comes to stay, a one-half-million-acre flood forever? The Federal Government says, if you will do that, we will make certain promises to you. We will promise that that dam will be able to generate cheap hydroelectric power, and that will benefit the residents of the region. And, No. 2, more importantly, we will allow you to take the water from behind that dam and move it all around your State for economic and municipal and rural water systems. That will help you develop economically, and it will provide new jobs and new opportunities for your State.

So the people of North Dakota 50 years ago said, "Well, that sounds like a reasonable proposition." And the dam was built and dedicated, as I said, by President Eisenhower in the 1950's. The Garrison diversion project was authorized in 1965 by the Congress. Work began on it, and in the 1970's it became very controversial. In fact, some portions of this project, some features to move water around our State, became so controversial that some of the major environmental organizations in the country decided to try to kill the project altogether. Remember, this is part of a promise that was made to North Dakota that relates very much to its economic opportunity and its economic future.

Recognizing that it was very troublesome to have the opposition of some of these major organizations, I worked to reformulate this project. In 1986 the Congress passed a reformulation act called the Garrison Diversion Reformulation Act. This year, 10 years later, we appropriated \$23 million for this project. That brings it to nearly \$350 million during the past 10 years since it was reformulated. Now it appears that we will once again be required in the next Congress to make a final revision in this project in order to see its completion for our State.

A substantial amount has been done in North Dakota with this project; \$200 million, in what is called an MR&I fund, has been available to North Dakota to move water around the State with a southwest pipeline in southwestern North Dakota. It has improved water quality in many communities in North Dakota.

So we have derived substantial benefit from it. But we have not been able to move Missouri water to the eastern part of North Dakota into the Red River to help the cities of Fargo and Grand Forks, among others. That has not been completed, and all of us are anxious to get that done.

I hope in the next Congress to propose, along with my colleagues, a final revision of the Garrison diversion project that will achieve two goals: First, with the realistic constraints that we have on financing here in the

Congress and the environmental restraints that exist on new environmental standards, I think we can reduce the authorized cost of this project for the American taxpayers and we can substitute a substantial State water development fund for the irrigation projects that are currently authorized. That would give the State much more flexibility in meeting its water needs, which might include irrigation but would include many other things as well.

Second, in a project revision we can make appropriate changes to the features of the project in order to finally move the Missouri River water from the western part of our State to the eastern part of our State for municipal, rural, and industrial purposes.

I expect that the proposal to revise a water program in North Dakota would be referred to the Senate Energy Committee, on which I sit, and it is my hope that the Congress will agree to make some practical revisions in this project; first, to save money, but, second and more importantly, to finally complete this comprehensive project for North Dakota.

I expect that we will probably hold some hearings in North Dakota late in this year in order to take testimony from North Dakotans, myself, and my colleagues from North Dakota, to talk about the revisions that are necessary in order to develop a statewide consensus. That would include working with the Governor, the State legislature, Indian tribes, local communities, the Garrison Conservancy District, North Dakota Water Coalition, environmental groups, water users, and virtually all interested North Dakotans in order to reach some kind of consensus on this project.

This is not a project in which the State of North Dakota went to the Federal Government and said, "By the way, would you give us something? Could we implore you to provide for us a water project?" It didn't happen that way at all. The Federal Government came to our State and said, "We would like you to play host to a permanent flood, and, if you do, we will provide you this benefit." This benefit called the Garrison conservancy project—or the Garrison diversion project, rather—included, first, an authorized 1 million acres of irrigation. Then it was downsized to 250,000 acres; then downsized again to 130,000 acres. It had a series of canals and features by which water could be pumped and moved from the western part of North Dakota to the eastern part of North Dakota.

The feature that was included in the 1986 Reformulation Act that now appears not to be able to be built with respect engineering standards and other standards that would be practical is something called the Sykeston Canal. That is a key feature that involves the moving of water through the features in this project from the western part of the State to the eastern part of the State.

The Garrison Conservancy District is now proposing that it be replaced with a pipeline proposal. There are other ideas as well. The pipeline proposal I think has some merit, and I think it is an approach that might well be workable. But it seems to me in reinvestigating this project we will have to find a feature that replaces the Sykeston Canal.

The Sykeston Canal was put in in the first place in 1986 because the Lonetree Reservoir, the original feature which was so enormously controversial nationally, in 1996 when the Sykeston Canal was proposed, it was judged at that point that it may or may not be practical, and if it was not, we would have to revisit the issue. It seems to me that we will have to revisit that issue next year.

Some would say that North Dakota has not gotten what it should get from this project. Some are very impatient. I recognize that. But about \$350 million has been made available in expenditures in pursuit of completing this water project, including the \$200 million for the MR&I fund. We have made substantial progress in a wide range of areas. But now we want to finish this project and do it in a reasonable time. We think that this is an achievable goal. It is not easy to find consensus on all of these issues, but this project is much more important than some would realize.

North Dakota is a semiarid State with 15 to 17 inches of rainfall a year. The ability to use the water in this reservoir for agricultural and rural municipal purposes is critical to the future of our State. Our State struggles to keep people. We have 640,000. We used to have 680,000 not too many years ago. And to keep people in North Dakota—a wonderful State with a low crime rate, with a wonderful education system and a lot of other advantages—we must provide jobs and must provide opportunity. That is what this project is about.

Some needs remain unchanged. There is a continuing requirement to permanently solve the water problems of the Devil's Lake basin in my State where there is substantial flooding at the moment. That lake, the Devil's Lake area, suffers from intermittent cycles of ruinous draught and chronic flooding, and that warrants the construction of inlets and outlets as a part of a comprehensive water plan. We hope that will be excluded in the Garrison Diversion Project.

Finally, a final revision would have to meet the needs of native Americans who suffered the most in the inundation of their lands in North Dakota for this project.

In the final analysis, this issue is about opportunity and jobs in our State. It is about good faith on the part of the Federal Government to fulfill its obligations to North Dakota. All of us are impatient that we get this completed. But the reality is projects of this size are never completed quick-

ly or without problems. We have met the challenges in the past, will in the future, and hope to provide proposed revisions that will allow us to finally complete this project.

North Dakotans' elected leaders—Republicans and Democrats—every major elected leader in our State for three decades has spoken with one bipartisan voice on this issue. For a State the size of North Dakota, that is crucial. We must plan together, work together, and pull together if we are to finish this project for the future of North Dakota. I hope that will be the case. I hope we will make some final revisions and take meaningful strides to completion of a dream in our State in the next Congress.

I would like to reiterate that for some 50 years, North Dakota has sought to realize the benefits of federally assisted water development since Congress proposed the Garrison diversion project as the backbone of State water development. Federal law provided that this comprehensive water plan was to accompany the construction by the Corps of Engineers of the Garrison Dam, which provided substantial flood control and navigation benefits for downstream States.

Last week the Congress approved \$23 million to continue work on the Garrison diversion project in North Dakota. Nearly \$350 million has been appropriated for Garrison diversion since the Congress enacted my legislation in 1986 making revisions in the project.

The Garrison project is not completed but it has generated hundreds of jobs and has brought quality drinking water and irrigation systems to three Indian reservations and rural and municipal water systems to dozens of communities all across North Dakota.

It now appears that further revisions will have to be made in the authorization of this project in order to see it to completion.

During the next Congress, I hope to propose, along with my colleagues, a final revision of the Garrison project that will achieve two goals. In tune with current fiscal constraints and environmental standards, we can reduce the authorized cost of the project and we can substitute a State water development fund for the irrigation projects to give the State more flexibility in meeting its water needs. Second, in a project revision we can make appropriate changes to the features in order to finally move Missouri River water throughout the State for municipal, rural, and industrial purposes.

I would expect that legislation to revise the project would be referred to the Senate Energy Committee, on which I sit. It would be my hope that the Congress would agree to make some practical revisions in the project to save money and to finally complete a comprehensive project for North Dakota.

I expect the North Dakota congressional delegation will hold some hearings in North Dakota toward the end of

this year to take testimony from North Dakotans about the revisions necessary in order to meet the State's current water needs and to finally finish work on the project. We will work with the governor, the State legislature, Indian tribes, local communities, the Garrison Conservancy District, the North Dakota Water Coalition, environmental groups, water users and all interested North Dakotans in order to reach a statewide consensus on this issue.

Mr. President, I'd like to offer my colleagues some history on how the Garrison diversion project got started and why a final revision is necessary in order to complete the project.

In the 1940's the Federal Government wanted to harness the Missouri River to prevent massive downstream flooding in States along the Lower Missouri and Mississippi Rivers. Annual flood damage to downstream cities on the Missouri River was very costly. Also, the lack of stable water levels prevented reliable commercial navigation on the Missouri River.

So the Federal Government proposed a series of six dams, one of which was to be located in North Dakota. The Garrison Dam would wall up water in a reservoir that would be one-half million acres in size. In short, the Federal Government asked North Dakota to play host to a permanent flood as big as the entire State of Rhode Island.

The Federal Government said if you North Dakotans will do that, we will provide you with some significant benefits. The dam itself will generate low cost hydro-electric power and you will have access to some of this inexpensive electricity for rural development. And more importantly, the Federal Government will provide a Garrison diversion project which will allow you to move reservoir water around your State for massive irrigation—over 1 million acres—and for municipal, rural, and industrial uses.

The Army Corps of Engineers completed work on the dam in the mid-1950's. The permanent flood arrived in North Dakota and the downstream States received the bulk of the immediate benefits. The Missouri River no longer raged with uncontrolled flooding in the spring. Downstream navigation and barge traffic was reliable once again.

For North Dakota, the Congress authorized in 1965 a Garrison diversion project with water systems and an irrigation plan—downsized to 250,000 acres—as a payment for our permanent flood. The features of that project included a series of canals and pumping stations that would move water from the Missouri River in the western part of North Dakota to the eastern part of our State, all the way to the Red River and would allow for substantial amounts of irrigation with the diverted water along the way.

Some features of the Garrison diversion project became very controversial in the 1970's and national environ-

mental organizations attempted to kill the project. The result was that progress on the project was slowed.

In 1986 the Congress enacted my legislation reformulating the Garrison diversion project and resolving the controversies. The irrigation features were reduced in scope to 130,000 acres and a municipal and industrial water fund of \$200 million was created and given priority in appropriations.

A new feature called the Sykeston Canal was created to be a replacement for the Lonetree Reservoir, which had become a lightning rod for opposition to the project. At the time, the engineering and cost evaluation of the Sykeston Canal was suspect and we agreed then that if the Sykeston Canal proved to be unworkable we would have to revisit that issue.

The Garrison Diversion Unit Reformulation Act also provided for a water treatment facility to treat Missouri River water that would reach the Hudson Bay drainage after it flowed through for use by cities such as Fargo and Grand Forks along the Red River. The act also established requirements for wildlife mitigation, and for recreation development in North Dakota.

In the intervening years since the 1986 Reformulation Act, Congress has provided nearly \$350 million in expenditures, most of which was used for the \$200 million MR&I Fund. North Dakota has made enormous progress in building a southwest water pipeline and many other expenditures that have improved water delivery for cities and towns with undrinkable or inadequate water in our State.

However, we are impatient in wanting to finally finish the features of the project and move Missouri water to eastern North Dakota so that our eastern cities have an assured supply of municipal and industrial water.

It is now clear that the Sykeston Canal is not a workable feature, from both an engineering and a cost standpoint so we must develop a new connecting link can be completed in a way that achieves our goal.

Therefore, it is necessary to make one last revision to this project. This final revision should include a substitute for the Sykeston Canal, as well as converting the bulk of the authorized irrigation acreage to a more flexible state water development fund that can be used for a wide range of North Dakota needs.

The Garrison Conservancy District has proposed a pipeline approach as a replacement for the Sykeston Canal. I believe that has substantial promise. Most of the work has been completed on the key features of this project and we are close to being able to realize the dream of a water diversion project that will help all of our State.

Naturally, some needs remain unchanged. There is a continuing requirement to permanently solve the water problems of the Devils Lake Basin. The lake suffers from an intermittent cycle of ruinous drought and chronic flood-

ing, which warrants the construction of an inlet/outlet system as part of a comprehensive water management plan for the basin. Presently, Devils Lake is threatened by a 120-year flood, which may require the construction of an emergency outlet for which plans have already been developed.

Likewise, a final Garrison plan must meet the water development needs of native Americans and citizens of the Red River Valley. Native Americans suffered the most from the inundation of lands in North Dakota and their requirements for MR&I and irrigation must be addressed by the Congress. The cities of Fargo and Grand Forks and communities up and down the Red River Valley likewise look to Garrison diversion as the only realistic resource for problems of water quality and quantity.

The final form of Garrison diversion will also continue the State's commitment to protect and enhance wildlife and habitat. It has established a precedent-setting wildlife trust fund. Recreational development provided under Garrison diversion will also contribute to fish and wildlife management.

In the final analysis, this issue is about a future of jobs and opportunity in North Dakota's future. And it is about good faith—on the part of the Federal Government to fulfill its pledge to the people of North Dakota for water development.

All of us are impatient to get this project completed. But the reality is projects of this size are not completed quickly just because they are so massive in scope. Controversies must be resolved.

Since the project was authorized in the mid-1960's, North Dakota's elected leaders have spoken with one bipartisan voice in support of this project and I hope that will continue to be the case. It takes all of the collective energy that we can muster in a State of our size to get this project completed. We must plan together, work together and pull together to finish the work on this project.

Mr. COVERDELL. Mr. President, are we functioning as in morning business, each Senator allotted time?

The PRESIDING OFFICER. The Senator from Georgia is correct. We are operating in morning business. Each Senator is allotted up to 5 minutes.

#### VALUJET

Mr. COVERDELL. Mr. President, I rise today on a matter of vital concern to the economic well-being of thousands of Georgia families. I think we all remember the tragedy of the event in May, May 11, when ValuJet 592 plunged into the Florida Everglades. And, forever, as with any incident like this, we all are grieving over the families that were affected.

However, following this investigation, ValuJet airlines was grounded and went through the most thorough, grinding analysis of every aspect of